



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-950]

Certain Electronic Products, Including Products with Near Field Communication (“NFC”) System-Level Functionality and/or Battery Power-Up Functionality, Components Thereof, and Products Containing Same; Institution of investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 10, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of NXP B.V. of The Netherlands and NXP Semiconductors USA, Inc. of San Jose, California. A letter supplementing the complaint was filed on February 27, 2015. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic products, including products with near field communication (“NFC”) system-level functionality and/or battery power-up functionality, components thereof, and products containing same by reason of infringement of certain claims of U.S. Patent No. 7,412,230 (“the ’230 patent”); U.S. Patent No. 8,280,304 (“the ’304 patent”); U.S. Patent No. 8,065,389 (“the ’389 patent”); U.S. Patent No. 8,204,959 (“the ’959 patent”); U.S. Patent No. 8,412,185 (“the ’185 patent”); and U.S. Patent No. 6,590,365 (“the ’365 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2014).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on March 12, 2015, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic products, including products with near

field communication (“NFC”) system-level functionality and/or battery power-up functionality, components thereof, and products containing same by reason of infringement of one or more of claims 6 and 7 of the ’230 patent; claims 1 and 11 of the ’304 patent; claims 1 and 5 of the ’389 patent; claims 1 and 13 of the ’959 patent; claims 1 and 8 of the ’185 patent; and claims 1 and 7 of the ’365 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

NXP B.V.

High Tech Campus 60

5656 AG, Eindhoven

The Netherlands

NXP Semiconductors USA, Inc.

411 East Plumeria Drive

San Jose, CA 95134

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

Dell, Inc.

One Dell Way

Round Rock, TX 78682

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 13, 2015.

Lisa R. Barton,

Secretary to the Commission.

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